

DANIEL G. BOGDEN
United States Attorney
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
(702) 388-6336

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:14-cr-232-GMN-NJK
)	
Plaintiff,)	
)	
v.)	
)	
FREDERICK JOHN RIZZOLO,)	
)	
Defendant.)	
_____)	

STIPULATION FOR EXTENSION OF TIME

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Richard E. Tanasi, Esq. and Sigal Chattah, Esq., counsel for Defendant FREDERICK JOHN RIZZOLO, that the date for the Government to file a response to the Defendant's Motion to Dismiss (Docket #45) be extended for thirty (30) days.

This stipulation is entered for the following reasons:

1. The Defendant's Motion was filed and served on December 1, 2015. Pursuant to a stipulation between the parties, the Government's response deadline is March 17, 2016.
2. Since the filing of the previous stipulation, the Government has extended a written plea agreement to the Defendant in an attempt to negotiate this case, which would obviate the need for the Government to file a response. The parties are requesting additional

1 time for the Defendant and his counsel to consider said plea agreement. The trial in this matter is
2 set for August 8, 2016. Consequently, an extension of the Government's response deadline is
3 not likely to affect the present trial setting.

4 3. The Defendant is not incarcerated, and he does not object to the continuance of
5 the Government's response deadline.

6 4. The additional time requested herein is not sought for purposes of delay, but
7 merely to allow the parties to have adequate time to attempt to negotiate the case.

8 5. Additionally, denial of this request for continuance could result in a miscarriage
9 of justice.

10 6. This is the fourth stipulation filed herein to continue the Government's response
11 deadline.

12 DATED: March 17, 2016.

13
14 /s/
15 PHILLIP N. SMITH, JR.
16 Assistant United States Attorney
17 Counsel for the United States

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14 /s/
15 RICHARD E. TANASI, ESQ.
16 SIGAL CHATTAH, ESQ.
17 Counsel for Defendant FREDERICK RIZZOLO

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:14-cr-232-GMN-NJK
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Plaintiff,)	
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FREDERICK JOHN RIZZOLO,)	
)	
Defendant.)	
_____)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on December 1, 2015. Pursuant to a stipulation between the parties, the Government's response deadline is March 17, 2016.

2. Since the filing of the previous stipulation, the Government has extended a written plea agreement to the Defendant in an attempt to negotiate this case, which would obviate the need for the Government to file a response. The parties are requesting additional time for the Defendant and his counsel to consider said plea agreement. The trial in this matter is set for August 8, 2016. Consequently, an extension of the Government's response deadline is not likely to affect the present trial setting.

3. The Defendant is not incarcerated, and he does not object to the continuance of the Government's response deadline.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties to have adequate time to attempt to negotiate the case.

1 5. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice.

3 6. This is the fourth stipulation filed herein to continue the Government's response
4 deadline.

5 For all of the above-stated reasons, the ends of justice would best be served by a
6 continuance of the motion response deadline.

7 **CONCLUSIONS OF LAW**

8 The additional time requested herein is not sought for purposes of delay, but merely to
9 allow the parties sufficient time to allow the parties to attempt to negotiate this case, taking into
10 account due diligence. The failure to grant said continuance would likely result in a miscarriage
11 of justice.

12 **ORDER**

13 IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the
14 Government to respond to the Defendant's Motion to Dismiss (Docket #45) is extended until
15 April 18 _____, 2016.

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19 UNITED STATES MAGISTRATE JUDGE
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